

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the Matter of:

Birmingham Cosmetic Surgery, P.L.L.C.,

Debtor.

Bankruptcy Case No. 14-58784

Chapter 11

Hon.

In the Matter of:

Rouchdi M. Rifai, M.D.,

Debtor.

Bankruptcy Case No. 14-58785

Chapter 11

Hon.

**MOTION FOR ENTRY OF AN ORDER DIRECTING JOINT ADMINISTRATION OF
THE DEBTORS' CHAPTER 11 CASES**

Birmingham Cosmetic Surgery, P.L.L.C. and Rouchdi M. Rifai (collectively, "Debtors"), by their proposed counsel Stevenson & Bullock, P.L.C., for their Motion for Entry of an Order Directing Joint Administration of the Debtors' Chapter 11 Cases (the "Motion"), state as follows:

JURISDICTION

1. The court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
2. This matter is a core proceeding within the meaning of 28 U.S.C. 157(b)(2).
3. Venue of this proceeding and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409(a).

BACKGROUND

4. On December 8, 2014 (the "Petition Date"), each of the above-captioned Debtors filed Voluntary Petitions for relief (collectively the "Chapter 11 Cases") under chapter 11 of Title 11 of the United States Bankruptcy Code (the "Bankruptcy Code"). Each of the Debtors continue to operate its business and manage his/its financial affairs as a debtor in possession

pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in any of the Chapter 11 Cases.

1. 5. Birmingham Cosmetic Surgery, P.L.L.C. is 100% owned by Rouchdi M. Rifai, M.D. Birmingham Cosmetic Surgery, P.L.L.C. is a Michigan based company with seventeen employees. Birmingham Cosmetic Surgery, P.L.L.C. performs an extensive range of cosmetic and aesthetic procedures. Some of the procedures include: breast augmentation, Liposuction, tummy tucks, laser hair removal, varicose vein treatment, facelifts, nose surgery, microdermabrasion, and other body procedures. Rouchdi M. Rifai is the sole member of Birmingham Cosmetic Surgery, P.L.L.C.. Dr. Rifai has personally guaranteed some debts of Birmingham Cosmetic Surgery, P.L.L.C. and may possess other common creditors.

RELIEF REQUESTED

6. By this Motion, the Debtors seek entry of an order, substantially in the form attached as Exhibit 1, directing joint administration of the Chapter 11 Cases under the case number assigned to Birmingham Cosmetic Surgery, P.L.L.C.

BASIS FOR RELIEF

7. Pursuant to Bankruptcy Rule 1015(b), “(i)f...two or more petitions are pending in the same court by or against...(4) a debtor and an affiliate, the court may order a joint administration of the estates.”

8. Many, if not all, of the motions, hearings and orders that are expected to arise in the Chapter 11 Cases will affect each Debtor. By jointly administering the Chapter 11 Cases, the Debtors will be able to reduce fees and costs resulting from the administration of these cases and ease the onerous administrative burden of having to file multiple and duplicative documents.

9. Jointly administering the Chapter 11 Cases, for procedural purposes only, will allow the Debtors to optimally and economically administer the pending chapter 11 cases. Further, the rights of the Debtors’ respective creditors will not be adversely affected by the joint administration of the Chapter 11 Cases, because this Motion requests only joint administration, not substantive consolidation, of the estate. For example, any creditor must still file a claim against a particular Debtor or its estate, or multiple Debtors and their respective estates. All of

the Debtors' creditors will thus benefit from the reduced costs as a result of such joint administration. The Court also will be relieved of the burden of entering duplicative orders and maintaining duplicative files. Finally, approval of the Motion will simplify the United States Trustee's supervision of the administrative aspects of the Chapter 11 Cases.

10. Accordingly, joint administration of the Chapter 11 Cases is in the best interests of the Debtors, their creditors and equity security holders and all parties in interest.

11. The Debtors request that the caption of the chapter 11 Cases be modified to reflect the joint administration of such cases, as shown below:

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the Matter of:

Bankruptcy Case No. 14-58784

Chapter 11

Birmingham Cosmetic Surgery, P.L.L.C., *et.al.*,¹

Hon. _____

Debtors.

_____ /

12. The Debtors also request that a docket entry be made in the case of Rouchdi M. Rifai substantially as follows:

a. An order has been entered in this case directing the joint administration of the Chapter 11 cases of Birmingham Cosmetic Surgery, P.L.L.C. and Rouchdi M. Rifai. The docket in Case No. 14-58784 should be consulted for all matters affecting this case.

b. A proof of claim against any of the Debtors or their respective estates must be filed in the particular bankruptcy case of the Debtor against whom such claim is asserted, and not in the jointly administered case.

13. Pursuant to Local Rule 1015-1, Debtors state the following:

- a. Birmingham Cosmetic Surgery, P.L.L.C is owned 100% by Rouchdi M. Rifai;
- b. There are no inter-Debtor claims;
- c. There are no guaranties or co-obligations among the Debtors and non-

¹ The Debtors in these jointly administered cases include Birmingham Cosmetic Surgery, P.L.L.C. (Bankr. Case No. 14-58784) and Rouchdi M. Rifai (Bankr. Case No. 14-58785).

debtor equity holders. However, Rouchdi M. Rifai has guaranties and co-obligations of debt owed by Birmingham Cosmetic Surgery, P.L.L.C. to creditors.

- e. The Debtors are not publicly traded; and
- f. There have been no inter-Debtor transfers within one (1) year before the Petition Date.

NOTICE

14. Pursuant to Local Rule 1015-1(c) and 9014, the Motion will be served on: the United States Trustee for Eastern District of Michigan; the Debtors' secured creditors; the Debtors' largest unsecured creditors as listed in their petitions pursuant to F.R. Bankr. P 1007(d); the Debtors taxing authorities; and all creditors on the Debtors' matrix.

15. No previous motion for the requested relief has been made to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court enter an Order, substantially in the form attached as Exhibit 1, directing joint administration of the chapter 11 Cases under the case number assigned to Birmingham Cosmetic Surgery, P.L.L.C., and grant such further relief as is proper and just.

Respectfully Submitted,

STEVENSON & BULLOCK, PLC

/s/ Sonya N. Goll (P61136)
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Southfield, Michigan 48034
(248) 354-7906 ext. 2234
sgoll@sbplclaw.com

Dated: December 8, 2014

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

| | |
|--|------------------------------|
| In the Matter of: | Bankruptcy Case No. 14-58784 |
| | Chapter 11 |
| Birmingham Cosmetic Surgery, P.L.L.C., | Hon. |
| Debtor. | |

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|-------------------|------------------------------|
| In the Matter of: | Bankruptcy Case No. 14-58785 |
| | Chapter 11 |
| Rouchdi M. Rifai, | Hon. |
| Debtor. | |

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ORDER DIRECTING THE JOINT ADMINISTRATION OF THE CHAPTER 11 CASES

Upon the Motion of the Debtors for an Order Directing the Joint Administration of the Chapter 11 Cases (the “Motion”); and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and it appearing that the Court has jurisdiction over this matter pursuant 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and this Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and other parties in interest; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED:

1. The motion is GRANTED.

2. The Debtors' respective captioned and numbered cases are consolidated, for procedural purposes only, and shall be jointly administered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1 of the Local rules of the Bankruptcy Court for the Eastern District of Michigan.

3. The caption of the jointly administered cases is to read as follows:

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the Matter of:

Birmingham Cosmetic Surgery, P.L.L.C., *et.al.*,²

Bankruptcy Case No. 14-58784

Chapter 11

Hon.

Jointly Administered

Debtors.

_____ /

4. A docket entry shall be made in the case of Rouchdi M. Rifai substantially as follows:

An order has been entered in this case directing the joint administration of the Chapter 11 cases of Birmingham Cosmetic Surgery, P.L.L.C. and Rouchdi M. Rifai. The docket in Case No. _14-58785 should be consulted for all matters affecting this case.

5. A proof of claim against any of the Debtors or their respective estates must be filed in the particular bankruptcy case of the Debtor against whom such claim is asserted, and not in the jointly administered case.

² The Debtors in these jointly administered cases include Birmingham Cosmetic Surgery, P.L.L.C. (Bankr. Case No. 14-58784) and Rouchdi M. Rifai (Bankr. Case No. 14-58785).

6. A creditor filing a proof of claim against any of the Debtors must file said proof of claim in the particular Debtor's Chapter 11 case and not in the jointly administered case unless such creditor holds a claim against Birmingham Cosmetic Surgery, P.L.L.C..

7. A copy of this Order shall be served on all of the creditors in each of the proposed jointly administered creditors pursuant to Local Rule 1015-1(d).

8. The court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Exhibit 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

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|--|------------------------------|
| In the Matter of: | Bankruptcy Case No. 14-58784 |
| | Chapter 11 |
| Birmingham Cosmetic Surgery, P.L.L.C., | Hon. |
| Debtor. | |

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|-------------------|------------------------------|
| In the Matter of: | Bankruptcy Case No. 14-58785 |
| | Chapter 11 |
| Rouchdi M. Rifai, | Hon. |
| Debtor. | |

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**NOTICE OF DEBTOR'S MOTION FOR ENTRY OF AN ORDER DIRECTING JOINT
ADMINISTRATION OF THE DEBTORS CHAPTER 11 CASES**

Debtor filed their Motion for Entry of an Order Directing Joint Administration of the Debtors Chapter 11 Cases. Debtor requests that the court order the joint administration of the above captioned chapter 11 cases.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion, or if you want the court to consider your views on the Debtor's Motion, **you should within fourteen (14) days of this Notice:**

1. File with the court a written response or an answer*, explaining your position at:

United States Bankruptcy Court, 211 W. Fort St., 17th Floor, Detroit, MI 48226.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above (**within fourteen (14) days of this Notice**).

You must mail a copy to: Ernest M. Hassan, 26100 American Dr., Suite 500, Southfield, MI 48034; and Office of the U.S. Trustee, 211 W. Fort St., 7th Floor, Detroit, MI 48226.

2. **If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.**

Respectfully submitted,

STEVENSON & BULLOCK, PLC

December 8, 2014

/s/ Sonya N. Goll (P61136)
26100 American Drive, Suite 500
Southfield, Michigan 48034
(248) 354-7906 ext. 2234
sgoll@sbplclaw.com

***Response, answer or objection must comply with Fed. R. Civ. P. 8(b), (c) and (e).**

Exhibit 3

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In the Matter of:

Birmingham Cosmetic Surgery, PLLC,

Debtor.

_____ /

Bankruptcy Case No. 14-58784
Chapter 11
Hon.

In the Matter of:

Rouchdi M. Rifai,

Debtor.

_____ /

Bankruptcy Case No. 14-58785
Chapter 11
Hon.

PROOF OF SERVICE

Sonya N. Goll hereby certifies that on the 8th day of December, 2014 that a copy of the **Motion for Entry of an Order Directing Joint Administration of the Debtors' Chapter 11 Cases, Proposed Order, Notice of Motion for Entry of an Order Directing Joint Administration of the Debtors' Chapter 11 Cases** and this **Proof of Service** was served electronically and/or by placing same in an envelope with sufficient postage thereon, and depositing same in a United States mail receptacle in the City of Southfield, State of Michigan to each and every party listed on the Matrix obtained from CM/ECF on the 8th day of December, 2014 for Birmingham Cosmetic Surgery, P.L.L.C. and Rouchdi M. Rifai and the U.S. Trustee.

Respectfully submitted,

STEVENSON & BULLOCK, PLC

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